CURRENT DECISIONS

ADMINISTRATIVE LAW—NOTARY PUBLIC—DUTY TO ASCERTAIN IDENTITY.—The plaintiff made a loan upon the security of a trust deed given by a third party. The defendant, a notary public, took the acknowledgment of the third party, certifying that such party was known to him to be the person whose signature appeared on the deed. As a matter of fact, the signature was a forgery and the person appearing was an impersonator. The defendant made the certificate on the strength of a prior introduction and a short speaking acquaintance, which were parts of the fraudulent scheme of the borrower. The plaintiff sued to recover the money lost on his void security. *Held,* that he should recover, since it was negligence for a notary to make a certificate based on mere casual acquaintance. *Anderson v. Aronsohn* (1919, Calif.) 184 Pac. 12.

A notary must have personal knowledge of the party whose acknowledgment he is certifying, or be satisfied beyond a reasonable doubt of his identity. 29 *Cyc.* 1102. The weight of authority is in accord with the principal case in holding that an introduction by a third party does not put the identity beyond a reasonable doubt. *Hatton v. Holmes* (1893) 97 Calif. 208, 31 Pac. 1131; *State National Bank v. Mee* (1913) 39 Okla. 775, 136 Pac. 758. On the other hand, it has been held that such an introduction is sufficient if there are no other circumstances to warn the notary. *Howcott v. Talen* (1913) 133 La. 845, 63 So. 376. The protection of the public justifies the majority rule, although its operation under circumstances such as those of the principal case seems harsh.

ADMINISTRATIVE LAW—POLICE POWER—HEALTH DETENTION OF DISEASED PERSON.—The health commissioner of Omaha had isolated the petitioner during treatment in order to prevent the spread of venereal virus, with which she had been found to be infected. She sued for a writ of *habeas corpus. Held,* that the writ be denied. *Brown v. Manning* (1919, Neb.) 172 N. W. 522.

The instant case is distinguished from the prior Iowa case of *Wragg v. Griffin* (1919, Iowa) 170 N. W. 400, (1919) 28 YALE LAW JOURNAL, 703, on the ground that the latter case involved the detention of one *suspected* of disease for examination, whereas in the principal case the petitioner *had already been found* to be infected.

AGENCY—SALE TO UNDISCLOSED AGENT NOT A SALE TO HIS PRINCIPAL.—The defendant authorized the plaintiff, a realty broker, to sell her land. Both the plaintiff and the defendant failed to negotiate the sale to R and finally the defendant sold the land to E who immediately conveyed it to R. The plaintiff had no knowledge of the negotiations between E and the defendant; and neither the plaintiff nor the defendant knew of the secret arrangement between E and R. But the defendant learned that E was an undisclosed agent for R after she had contracted to sell to E and before the time for conveyance. The plaintiff sued for a commission, claiming that he was the procuring cause of the sale to R. *Held,* that he could not recover. *Ritch v. Robertson* (1919) 93 Conn. 459, 106 Atl. 509.

Recovery was denied because the plaintiff was not the "procuring cause" of the sale; the principles of undisclosed agency were not applicable; even if, in law, the sale was to R, the plaintiff, in order to recover, must adopt the secret method employed by R which was antagonistic to the defendant. The unique